



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,301	10/11/2001	Steve Grove	2043.053US1	1851

49845 7590 06/04/2009
SCHWEGMAN, LUNDBERG & WOESSNER/EBAY
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
----------	--------------

2443

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

06/04/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWIP.COM

Office Action Summary	Application No. 09/976,301	Applicant(s) GROVE, STEVE	
	Examiner DAVID E. ENGLAND	Art Unit 2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 4 - 8, 10 - 13, 15 - 19, 21 - 24, 26 - 30, 32 - 35, 37 - 41 and 43 - 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/23/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are , 2, 4 - 8, 10 - 13, 15 - 19, 21 - 24, 26 - 30, 32 - 35, 37 - 41 and 43 - 48 .

DETAILED ACTION

1. Claims 1, 2, 4 – 8, 10 – 13, 15 – 19, 21 – 24, 26 – 30, 32 – 35, 37 – 41 and 43 – 48 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 4, 5, 10 – 12, 15, 16, 21 – 23, 26, 27, 32 – 34, 37, 38 and 43 – 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan et al. (5966685) (hereinafter Flanagan) in view of Appleby (6463404) in further view of Gastaldo et al. (6473729), (hereinafter Gastaldo).**

4. Referencing claim 1, as closely interpreted by the Examiner, Flanagan teaches a method to facilitate translation of communications between entities over a network, said method comprising:

5. responsive to receipt of a first language construct, identifying a translated language construct corresponding to said first language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36), said identifying further comprises:

Art Unit: 2443

6. retrieving entity information relating to said second entity based on the identifier of said second entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36); and
7. communicating said translated language construct to said second entity as a second transmission over said network, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).
8. Although, Flanagan could teach one word questions or phrases, multiword phrases are not specifically stated as being predetermined. Furthermore, Flanagan further teaches in the background of their invention that a first user sends an id of a second user they wish to talk to, (e.g., col. 1, line 62 - col. 3, line 20, Using an address of an intended recipient to send a message).
9. Flanagan does not specifically teach receiving, from said first entity, an identifier of a first language construct from said plurality of predetermined language constructs;
10. communicating a plurality of predetermined language constructs including a first language construct to a first entity;
11. responsive to receipt of said identifier of said first language construct, determining a translated language construct corresponding to said first language construct, said determining further comprises:
12. retrieving said translated language construct from a table based on said entity information and said first language construct.
13. Appleby more closely teaches receiving, from said first entity, an identifier of a second entity, (e.g., col. 13, lines 6 – 21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Appleby with Flanagan since it is known that if one wishes to send a message to an intended target, one must supply an identifier of types so the

network system knows where to route the message. This is very well known in the art of email and instant messaging.

14. Gastaldo teaches communicating a plurality of predetermined language constructs to a first entity, (e.g., Figures 5 – 7 and supporting text, col. 5, line 35 – col. 6, line 35 et seq.);

15. teach receiving, from said first entity, an identifier of a first language construct from said plurality of predetermined language constructs, (e.g., Figures 5 – 7 and supporting text, col. 5, line 35 – col. 6, line 35 et seq.);

16. responsive to receipt of said identifier of said first language construct, determining a translated language construct corresponding to said first language construct, (e.g., Figures 5 – 7 and supporting text, col. 5, line 35 – col. 6, line 35 et seq.), said determining further comprises:

17. retrieving said translated language construct from a table based on said entity information and said first language construct, (e.g., Figures 5 – 7 and supporting text, col. 5, line 35 – col. 6, line 35 et seq.).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Gastaldo with the combine inventions of Flanagan and Appleby because utilizing predetermined phrases in a database situation could aid in a faster translation since no real “translation” is occurring, i.e. verbs, nouns and other grammatical instances do not need to be considered all that is needed is the relational IDs between the two fields.

19. As to claim 4, as closely interpreted by the Examiner, Flanagan teaches said entity information further comprises a language preference of said second entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

20. Referencing claim 5, as closely interpreted by the Examiner, Flanagan teaches said predetermined setup is requested by said first entity in an electronic commerce transaction over said network, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36). Although Flanagan and Gastaldo do not explicitly teach the use of a question, it is well known in the art and would be obvious to one of ordinary skill in the art that the claimed invention is only linking fields in a database and it would make no difference if what is being “translated” is a question or a statement.

21. Referencing claim 10, as closely interpreted by the Examiner, Flanagan teaches a network-based transaction facility, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

22. Flanagan does not specifically teach storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs. Gastaldo teaches storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs, (e.g., Figures 5 – 7 and supporting text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Gastaldo with Flanagan because of similar reasons stated above.

Art Unit: 2443

23. Referencing claim 11, as closely interpreted by the Examiner, Flanagan does not specifically teach teaches said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct.

24. Gastaldo teaches said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct, (e.g., Figures 5 – 7 and supporting text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Gastaldo with Flanagan because of similar reasons stated above.

25. Claims 12, 15, 16, 21 – 23, 26, 27, 32 – 34, 37, 38 and 43 – 45 are rejected for similar reasons stated above.

26. Claims 2, 6, 7, 13, 17, 18, 24, 28, 29, 35, 39, 40 and 46 – 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan, Appleby and Gastaldo in further view of Scanlan (6857022).

27. Referencing claim 2, as closely interpreted by the Examiner, Flanagan, Appleby and Gastaldo do not specifically teach communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language

Art Unit: 2443

construct. Scanlan teaches communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct, (e.g. col. 3, line 63 – col. 4, line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with the combine inventions of Flanagan, Appleby and Gastaldo with because utilizing a drop down menu allows the user to not type information into the system and possibly mistyping information, causing errors in the system.

28. Referencing claim 6, as closely interpreted by the Examiner, Flanagan, Appleby and Gastaldo do not specifically teach said first transmission is a Hyper Text Markup Language (HT'IP) message. Scanlan teaches said first transmission is a Hyper Text Markup Language (HT'IP) message, (e.g., col. 1, lines 17 – 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with the combine inventions of Flanagan, Appleby and Gastaldo because it would be obvious that in a communication with a web server that the first communication would be a type of HTTP message.

29. As to claim 7, as closely interpreted by the Examiner, Flanagan, Appleby and Gastaldo do not specifically teach said second transmission is an electronic mail message. Scanlan teaches said second transmission is an electronic mail message, (e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with the combine inventions of Flanagan, Appleby and Gastaldo because of similar

Art Unit: 2443

reasons stated above, also utilizing email gives users the ability to communicate with other users across a network.

30. As per claim 46, as closely interpreted by the Examiner, Flanagan teaches all that is similar to claim 46 as taught in claims 1 and 45 above. Furthermore, Scanlan teaches interactive fields as taught above. Similarly reasons for combining are also found above.

31. As per claim 47, as closely interpreted by the Examiner, Flanagan does not specifically teach said plurality of interactive fields includes a first interactive field, wherein said first interactive field includes a drop down list that contains a second plurality of predetermined language constructs that respectively translated into a second language based on a language preference of said second entity.

32. Gastaldo teaches said plurality of interactive fields includes a first interactive field, wherein said first interactive field includes a drop down list that contains a second plurality of predetermined language constructs that respectively translated into a second language based on a language preference, (e.g., Figures 5 – 7 and supporting text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Gastaldo with Flanagan because of similar reasons stated above.

33. Scanlan teaches of said second entity that will receive the email with the translated language, (e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with the combine inventions of Flanagan and Gastaldo because of similar reasons stated above.

34. As per claim 48, as closely interpreted by the Examiner, Flanagan, Appleby and Gastaldo do not specifically teach receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said predetermined question that is asked by said first entity. Scanlan teaches receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said predetermined question that is asked by said first entity, (e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with the combine inventions of Flanagan, Appleby and Gastaldo because of similar reasons stated above.

35. Claims 13, 17, 18, 24, 28, 29, 35, 39 and 40 are rejected for similar reasons as stated above.

36. Claims 8, 19, 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan, Appleby and Gastaldo in view of Christy (6301554).

37. As to claim 8, as closely interpreted by the Examiner, Flanagan, Appleby and Gastaldo do not specifically teach said identifier of said second entity is an electronic mail address of said second entity. Christy teaches said identifier of said second entity is an electronic mail address of said second entity, (e.g. col. 2, line 47 – col. 3, line 3). It would have been obvious to one of

Art Unit: 2443

ordinary skill in the art at the time the invention was made to combine Christy with the combine inventions of Flanagan, Appleby and Appleby because of similar reasons stated above.

Furthermore, in an email system, in order to send a message, one must have a type of identifier, “an address”, or the email cannot be sent.

38. Claims 19, 30 and 41 are rejected for similar reasons as stated above.

Response to Arguments

39. Applicant's arguments with respect to claims, 2, 4 – 8, 10 – 13, 15 – 19, 21 – 24, 26 – 30, 32 – 35, 37 – 41 and 43 – 48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

40. **Applicant is invited to contact the Examiner for an Interview if they feel that it would further prosecution and give a better understanding to the interpretation of claim language and how the prior art pertains to it.**

41. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2443

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. ENGLAND whose telephone number is (571)272-3912. The examiner can normally be reached on Mon-Thur, 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England
Primary Examiner
Art Unit 2443

Application/Control Number: 09/976,301
Art Unit: 2443

Page 12

/David E. England/
Primary Examiner, Art Unit 2443